

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 05-3346

United States v. Leroy Coley

(D DE No. 99-cr-00033-2)

**ORDER**

On July 13, 2005, the Clerk of this Court docketed Mr. Coley's appeal. As appellant had been represented by counsel appointed under the Criminal Justice Act, the Clerk waived the fee for the appeal.

On October 14, 2005, the Clerk of the District Court received a letter from Mr. Coley with an attachment entitled "Petitioner's Delayed Notice of Appeal For a Direct Appeal After Resentencing." The cover letter indicated that this was the second time Mr. Coley had forward the document to the District Court and that the second transmission was in response to his mother being told that the first transmission did not appear on the District Court docket. The District Court Clerk forwarded the second notice of appeal to this Court.

Upon review of the second notice of appeal, it has been determined that a new docket number will not be assigned to this matter. Rather the second notice of appeal will be filed in the existing appeal at No. 05-3346.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk

For the Court,

/s/ Marcia M. Waldron  
Clerk

Date: November 2, 2005

DMM/cc: Mr. Leroy Coley

Richard G. Andrews, Esq.